
(2010) 03 SHI CK 0004
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 1829 of 2008

Pawan Kumar

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 31-03-2010

Acts Referred:

Citation : (2010) 03 SHI CK 0004

Hon'ble Judges : Kurian Joseph, C.J;R.B. Misra, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—Petitioner is aggrieved by the final seniority list of Kanungos dated 5.6.2004 (Annexure A-11). According to the Petitioner, no provisional seniority list had been published and he could not get an opportunity to file its objection. It is submitted that the Petitioner is senior to Respondent No. 5 as Patwari. However, his application for absorption was deliberately delayed till his junior, 5th Respondent, got absorbed. Thus, the date of absorption of the fifth Respondent is 18.11.2002, whereas that of the Petitioner is 18.12.2002. According to the Petitioner the same shall not be taken as the basis for seniority since the admitted seniority in the entry cadre of patwari should be the norm for fixation of seniority. It is also submitted that working on the same cadre, it should not be the date of deputation that should be relevant for the purpose of seniority in the department. Despite service of notice, none appears for Respondent No. 5. Therefore, we are of the view that the Petitioner is to be given opportunity to put his grievance before first Respondent. Therefore, we dispose of the writ petition as follows.

2. In the event of Petitioner filing representation within a period of one month from today, the matter will be considered by the first Respondent with notice to the Petitioner, fifth Respondent and other affected parties. The needful, as above, shall be done within a period of two month from the date of production of the copy of this order along with copy of this writ petition. Petition stands disposed of.